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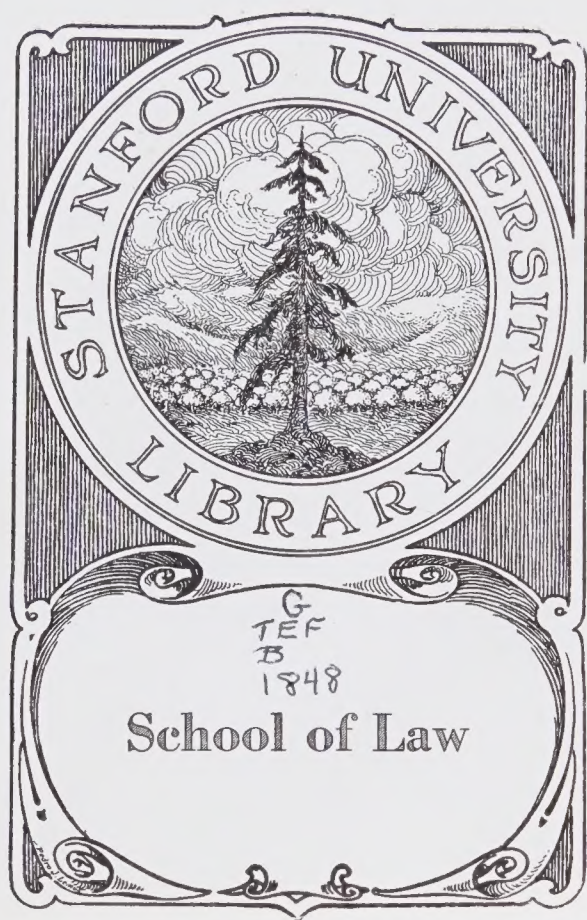
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WISCONSIN  
CONSTITUTION

MARCH 1848

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THIRTIETH CONGRESS—FIRST SESSION.

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HOUSE OF REPRESENTATIVES.

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CONSTITUTION OF WISCONSIN.

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MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A copy of the constitution of State government formed by a convention of the people of the Territory of Wisconsin, in pursuance of the act of Congress of August 6th, 1846, together with sundry documents relating thereto.*

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MARCH 16, 1848.

Referred to the Committee on Territories.

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*To the House of Representatives:*

I communicate, herewith, a copy of the constitution of State government, formed by a convention of the people of the Territory of Wisconsin, in pursuance of the act of Congress of August 6th, 1846, entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union."

I communicate, also, the documents accompanying the constitution, which have been transmitted to me by the president of the convention.

JAMES K. POLK.

WASHINGTON, March 15, 1848.



MADISON, *February 5, 1848.*

SIR: In obedience to the order of the convention, I have the honor to transmit a copy of the constitution of the State of Wisconsin, adopted by that body on the 1st instant.

Copies are also enclosed of the act of the Territorial legislature, entitled "An act in relation to the formation of a State government in Wisconsin, &c.;" and of so much of the last census as exhibits the number of inhabitants on the 1st of December, 1847.

I am required to transmit these several documents to your excellency, with the request that they be laid before the Congress of the United States, at its present session.

I have the honor to be, with great respect, your obedient servant,

M. L. MARTIN,  
*President of the Convention.*

To his excellency JAMES K. POLK,  
*President of the United States.*

## CONSTITUTION OF THE STATE OF WISCONSIN.

## PREAMBLE.

We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility, and promote the general welfare, do establish this

## CONSTITUTION.

## ARTICLE I.

## DECLARATION OF RIGHTS.

*Section 1.* All men are born equally free and independent, and have certain inherent rights; among these are life, liberty, and the pursuit of happiness; to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

*Section 2.* There shall be neither slavery, nor involuntary servitude, in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

*Section 3.* Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it shall appear to the jury, that the matter charged as libellous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

*Section 4.* The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

*Section 5.* The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law.

*Section 6.* Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.

*Section 7.* In all criminal prosecutions, the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of



witnesses in his behalf; and, in prosecutions by indictment or information, to a speedy public trial by an impartial jury of the county or district wherein the offence shall have been committed, which county or district shall have been previously ascertained by law.

*Section 8.* No person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger; and no person, for the same offence, shall be put twice in jeopardy of punishment; nor shall be compelled, in any criminal case, to be a witness against himself. All persons shall, before conviction, be liable by sufficient sureties, except for capital offences when the proof is evident, or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require.

*Section 9.* Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

*Section 10.* Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

*Section 11.* The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

*Section 12.* No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed; and no conviction shall work corruption of blood, or forfeiture of estate.

*Section 13.* The property of no person shall be taken for public use without just compensation therefor.

*Section 14.* All lands within the State are declared to be allodial, and feudal tenures are prohibited; leases and grants of agricultural land, for a longer term than fifteen years, in which rent or service of any kind shall be reserved, and all fines and like restraints upon alienation, reserved in any grant of land hereafter made, are declared to be void.

*Section 15.* No distinction shall ever be made by law, between resident aliens and citizens, in reference to the possession, enjoyment, or descent of property.

*Section 16.* No person shall be imprisoned for debt arising out of, or founded on, a contract, express or implied.

*Section 17.* The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting



a reasonable amount of property from seizure or sale, for the payment of any debt or liability hereafter contracted.

*Section 18.* The right of every man to worship Almighty God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent; nor shall any control of, or interference with, the rights of conscience, be permitted, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.

*Section 19.* No religious test shall ever be required as a qualification for any office of public trust under the State, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

*Section 20.* The military shall be in strict subordination to the civil power.

*Section 21.* Writs of error shall never be prohibited by law.

*Section 22.* The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

## ARTICLE II.

### BOUNDARIES.

*Section 1.* It is hereby ordained and declared, that the State of Wisconsin doth consent and accept of the boundaries prescribed in the act of Congress, entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union," approved August sixth, one thousand eight hundred and forty-six; to wit: Beginning at the northeast corner of the State of Illinois—that is to say, at a point in the centre of lake Michigan, where the line of forty-two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of the State of Michigan, through lake Michigan, Green Bay, to the mouth of Menominee river; thence up the channel of the said river to the Brule river; thence up said last mentioned river to Lake Brule; thence along the southern shore of lake Brule, in a direct line, to the centre of the channel between Middle and South islands, in the Lake of the Desert; thence in a direct line to the head waters of the Montreal river, as marked upon the survey made by Captain Cramm; thence down the main channel of the Montreal river to the middle of Lake Superior; thence through the centre of Lake Superior to the mouth of the St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollet's map; thence due south to the main branch of the river St. Croix; thence down the main channel of said river to the Mississippi; thence down the centre of the main channel of that river



to the northwest corner of the State of Illinois; thence due east with the northern boundary of the State of Illinois to the place of beginning, as established by "An act to enable the people of Illinois Territory to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved April 18th, 1818. *Provided, however,* that the following alteration of the aforesaid boundary be, and is hereby, proposed to the Congress of the United States as the preference of the State of Wisconsin; and if the same shall be assented and agreed to by the Congress of the United States, then the same shall be and forever remain obligatory on the State of Wisconsin, viz: leaving the aforesaid boundary line at the foot of the rapids of the St. Louis river; thence in a direct line, bearing southwesterly, to the mouth of the Iskodewabo, or Rum river, where the same empties into the Mississippi river; thence down the main channel of the said Mississippi river, as prescribed in the aforesaid boundary.

*Section 2.* The propositions contained in the act of Congress are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to bona fide purchasers thereof; and no tax shall be imposed on land, the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. *Provided,* that nothing in this constitution, or in the act of Congress aforesaid, shall in any manner prejudice or affect the right of the State of Wisconsin to five hundred thousand acres of land, granted to said State, and to be hereafter selected and located by and under the act of Congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and grant pre-emption rights," approved September 4th, 1841.

#### ARTICLE III.

#### SUFFRAGE.

*Section 1.* Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the State for one year next preceding any election, shall be deemed a qualified elector at such election:

1. White citizens of the United States,
  2. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization,
  3. Persons of Indian blood, who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding,
  4. Civilized persons of Indian descent, not members of any tribe:
- Provided,* that the legislature may at any time extend, by law, the



right of suffrage to persons not herein enumerated, but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election.

*Section 2.* No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor shall any person, convicted of treason, or felony, be qualified to vote at any election, unless restored to civil rights.

*Section 3.* All votes shall be given by ballot, except for such township officers as may by law be directed or allowed to be otherwise chosen.

*Section 4.* No person shall be deemed to have lost his residence in this State, by reason of his absence on business of the United States, or of this State.

*Section 5.* No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed within the same.

*Section 6.* Laws may be passed excluding from the rights of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make, or become directly or indirectly, interested in any bet or wager depending upon the result of any election, from the right to vote at such election.

#### ARTICLE IV.

### LEGISLATIVE.

*Section 1.* The legislative power shall be vested in a senate and assembly.

*Section 2.* The number of the members of the assembly shall never be less than fifty-four, nor more than one hundred. The senate shall consist of a number not more than one-third, nor less than one-fourth of the number of the members of the assembly.

*Section 3.* The legislature shall provide by law for an enumeration of the inhabitants of the State in the year one thousand eight hundred and fifty five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

*Section 4.* The members of the assembly shall be chosen annually by single districts, on the Tuesday succeeding the first Monday of November, by the qualified electors of the several districts, Such districts to be bounded by county, precinct, town, or ward lines, to consist of contiguous territory, and be in as compact form as practicable.

*Section 5.* The senators shall be chosen by single districts of convenient contiguous territory, at the same time and in the same

manner as members of the assembly are required to be chosen, and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in regular series, and the senators chosen by the odd numbered districts shall go out of office at the expiration of the first year, and the senators chosen by the even numbered districts shall go out of office at the expiration of the second year, and thereafter the senators shall be chosen for the term of two years.

*Section 6.* No person shall be eligible to the legislature who shall not have resided one year within the State, and be a qualified elector in the district which he may be chosen to represent.

*Section 7.* Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

*Section 8.* Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same cause.

*Section 9.* Each house shall choose its own officers, and the senate shall choose a temporary president, when the lieutenant governor shall not attend as president, or shall act as governor.

*Section 10.* Each house shall keep a journal of its proceedings, and publish the same, except such parts as require secrecy. The doors of each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without consent of the other, adjourn for more than three days.

*Section 11.* The legislature shall meet at the seat of government, at such time as shall be provided by law, once in each year and not oftener, unless convened by the governor.

*Section 12.* No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State, which shall have been created or the emoluments of which shall have been increased, during the term for which he was elected.

*Section 13.* No person being a member of Congress, or holding any military or civil office under the United States, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to Congress or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

*Section 14.* The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

*Section 15.* Members of the legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, nor shall they be subject to any civil process, during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session.



*Section 16.* No member of the legislature shall be liable in any civil action, or criminal prosecution whatever, for words spoken in debate.

*Section 17.* The style of the laws of the State shall be, "The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:" and no law shall be enacted except by bill.

*Section 18.* No private or local bill which may be passed by the legislature shall embrace more than one subject, and that shall be expressed in the title.

*Section 19.* Any bill may originate in either house of the legislature, and a bill passed by one house may be amended by the other.

*Section 20.* The yeas and nays of the members of either house on any question shall, at the request of one-sixth of those present, be entered on the journal.

*Section 21.* Each member of the legislature shall receive for his services two dollars and fifty cents for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of the meeting of the legislature, on the most usual route.

*Section 22.* The legislature may confer upon the boards of supervisors of the several counties of the State such powers of a local, legislative, and administrative character, as they shall from time to time prescribe.

*Section 23.* The legislature shall establish but one system of town and county government, which shall be as nearly uniform as practicable.

*Section 24.* The legislature shall never authorize any lottery, or grant any divorce.

*Section 25.* The legislature shall provide by law that all stationery required for the use of the State, and all printing authorized and required by them to be done for their use or for the State, shall be let by contract to the lowest bidder; but the legislature may establish a maximum price; no member of the legislature or other State officer shall be interested, either directly or indirectly, in any such contract.

*Section 26.* The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the services shall have been rendered, or the contract entered into; nor shall the compensation of any public officer be increased or diminished during his term of office.

*Section 27.* The legislature shall direct by law in what manner and in what courts suits may be brought against the State.

*Section 28.* Members of the legislature and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States, and the constitution of the State of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

*Section 29.* The legislature shall determine what persons shall

constitute the militia of the State, and may provide for organizing and disciplining the same in such manner as shall be prescribed by law.

*Section 30.* In all elections to be made by the legislature the members thereof shall vote viva voce, and their votes shall be entered on the journal.

#### ARTICLE V.

### EXECUTIVE.

*Section 1.* The executive power shall be vested in a governor, who shall hold his office for two years; a lieutenant governor shall be elected at the same time, and for the same term.

*Section 2.* No person, except a citizen of the United States, and a qualified elector of the State, shall be eligible to the office of governor or lieutenant governor.

*Section 3.* The governor and lieutenant governor shall be elected by the qualified electors of the State, at the times and places of choosing members of the legislature. The persons, respectively, having the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor or lieutenant governor, the two houses of the legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the persons so having an equal and the highest number of votes for governor or lieutenant governor. The returns of election for governor and lieutenant governor shall be made in such manner as shall be provided by law.

*Section 4.* The governor shall be commander-in-chief of the military and naval forces of the State. He shall have power to convene the legislature on extraordinary occasions; and, in case of invasion, or danger from the prevalence of contagious diseases at the seat of government, he may convene them at any other suitable place within the State. He shall communicate to the legislature at every session the condition of the State, and recommend such matters to them for their consideration as he may deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

*Section 5.* The governor shall receive, during his continuance in office, the annual compensation of one thousand two hundred and fifty dollars.

*Section 6.* The governor shall have power to grant reprieves, commutations and pardons after conviction for all offences, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the



case shall be reported to the legislature at its next meeting, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation, or pardon granted; stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or reprieve, with his reasons for granting the same.

*Section 7.* In case of the impeachment of the governor, or his removal from office, death, inability from mental or physical disease, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor, absent or impeached, shall have returned, or the disability shall cease. But when the governor shall, with the consent of the legislature, be out of the State, in time of war, at the head of the military force thereof, he shall continue commander-in-chief of the military force of the State.

*Section 8.* The lieutenant governor shall be president of the senate, but shall have only a casting vote therein. If, during a vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or, from mental or physical disease, become incapable of performing the duties of his office, or be absent from the State, the secretary of state shall act as governor until the vacancy shall be filled, or the disability shall cease.

*Section 9.* The lieutenant governor shall receive double the per diem allowance of members of the senate for every day's attendance as president of the senate, and the same mileage as shall be allowed to members of the legislature.

*Section 10.* Every bill which shall have passed the legislature, shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but, if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But, in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

## ARTICLE VI.

## ADMINISTRATIVE.

*Section 1.* There shall be chosen by the qualified electors of the State, at the times and places of choosing the members of the legislature, a secretary of state, treasurer, and attorney general, who shall severally hold their offices for the term of two years.

*Section 2.* The secretary of state shall keep a fair record of the official acts of the legislature and executive department of the State, and shall, when required, lay the same and all matters relative thereto, before either branch of the legislature. He shall be ex officio auditor, and shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services, yearly, such sum as shall be provided by law, and shall keep his office at the seat of government.

*Section 3.* The powers, duties, and compensation of the treasurer and attorney general shall be prescribed by law.

*Section 4.* Sheriffs, coroners, registers of deeds, and district attorneys, shall be chosen by the electors of the respective counties once in every two years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for two years next succeeding the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in the section mentioned, giving to such officer a copy of the charges against him, and an opportunity of being heard in his defence.

## ARTICLE VII.

## JUDICIARY.

*Section 1.* The court for the trial of impeachments shall be composed of the senate. The house of representatives shall have the power of impeaching all civil officers of this State for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court. No judicial officer shall exercise his office, after he shall have been impeached, until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit, or trust, under the State; but the party impeached shall be liable to indictment, trial, and punishment according to law.



*Section 2.* The judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, courts of probate, and in justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts, and shall have power to establish inferior courts in the several counties, with limited civil and criminal jurisdiction: *Provided* that the jurisdiction which may be vested in municipal courts shall not exceed, in their respective municipalities, that of circuit courts, in their respective circuits, as prescribed by this constitution: And that the legislature shall provide as well for the election of judges of the municipal courts as of the judges of inferior courts by the qualified electors of the respective jurisdictions. The term of office of the judges of the said municipal and inferior courts shall not be longer than that of the judges of the circuit court.

*Section 3.* The supreme court, except in cases otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, but in no case removed to the supreme court shall a trial by jury be allowed. The supreme court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari; and other original and remedial writs, and to hear and determine the same.

*Section 4.* For the term of five years, and thereafter until the legislature shall otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum, and the concurrence of a majority of the judges present shall be necessary to a decision. The legislature shall have power, if they should think it expedient and necessary, to provide by law for the organization of a separate supreme court, with the jurisdiction and powers prescribed in this constitution, to consist of one chief justice, and two associate justices, to be elected by the qualified electors of the State, at such time and in such manner as the legislature may provide. The separate supreme court, when so organized, shall not be changed or discontinued by the legislature; the judges thereof shall be so classified that but one of them shall go out of office at the same time; and their term of office shall be the same as is provided for the judges of the circuit court. And whenever the legislature may consider it necessary to establish a separate supreme court, they shall have power to reduce the number of circuit court judges to four, and subdivide the judicial circuits, but no such subdivision or reduction shall take effect until after the expiration of the term of some one of the said judges, or till a vacancy occur by some other means.

*Section 5.* The State shall be divided into five judicial circuits, to be composed as follows: the first circuit shall comprise the counties of Racine, Walworth, Rock, and Green; the second circuit, the counties of Milwaukee, Waukesha, Jefferson, and Dane; the third circuit, the counties of Washington, Dodge, Co-

lumbia, Marquette, Sauk, and Portage; the fourth circuit, the counties of Brown, Manitowoc, Sheboygan, Fond du Lac, Winnebago, and Calumet; and the fifth circuit, shall comprise the counties of Iowa, La Fayette, Grant, Crawford, and St. Croix, and the county of Richland, shall be attached to Iowa; the county of Chippewa to the county of Crawford, and the county of La Pointe to the county of St. Croix, for judicial purposes until otherwise provided by the legislature.

*Section 6.* The legislature may alter the limits, or increase the number of circuits, making them as compact and convenient as practicable, and bounding them by county lines; but no such alteration or increase shall have the effect to remove a judge from office. In case of an increase of circuits, the judge or judges, shall be elected as provided in this constitution, and receive a salary not less than that herein provided for judges of the circuit court.

*Section 7.* For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office as is provided in this constitution, and until his successor shall be chosen and qualified; and after he shall have been elected he shall reside in the circuit for which he was elected. One of said judges shall be designated as chief justice in such manner as the legislature shall provide. And the legislature shall, at its first session, provide by law as well for the election of, as for classifying the judges of the circuit court to be elected under this constitution, in such manner that one of said judges shall go out of office in two years, one in three years, one in four years, one in five years, and one in six years, and thereafter the judge elected to fill the office shall hold the same for six years.

*Section 8.* The circuit courts shall have original jurisdiction in all matters, civil and criminal, within this State, not excepted in this constitution, and not hereafter prohibited by law, and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control over the same. They shall also have the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and all other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and jurisdictions.

*Section 9.* When a vacancy shall happen in the office of judge of the supreme or circuit courts, such vacancy shall be filled by an appointment of the governor, which shall continue until a successor is elected and qualified; and when elected, such successor shall hold his office the residue of the unexpired term. There shall be no election for a judge or judges at any general election for State or county officers, nor within thirty days either before or after such election.

*Section 10.* Each of the judges of the supreme and circuit court shall receive a salary, payable quarterly, of not less than one thousand five hundred dollars annually; they shall receive no fees or other compensation than their salaries; they shall hold no office of public trust, except a judicial office, during the term



for which they are respectively elected, and all votes for either of them for any office, except a judicial office, given by the legislature or the people, shall be void. No person shall be eligible to the office of judge who shall not, at the time of his election, be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen.

*Section 11.* The supreme court shall hold at least one term annually at the seat of government of the State, at such time as shall be provided by law. And the legislature may provide for holding other terms, and at other places, when they may deem it necessary. A circuit court shall be held at least twice in each year, in each county of this State organized for judicial purposes. The judges of the circuit court may hold courts for each other, and shall do so when required by law.

*Section 12.* There shall be a clerk of the circuit court chosen in each county organized for judicial purposes, by the qualified electors thereof, who shall hold his office for two years, subject to removal, as shall be provided by law. In case of a vacancy, the judge of the circuit court shall have the power to appoint a clerk until the vacancy shall be filled by an election. The clerk thus elected or appointed shall give such security as the legislature may require, and when elected shall hold his office for a full term. The supreme court shall appoint its own clerk, and the clerk of a circuit court may be appointed clerk of the supreme court.

*Section 13.* Any judge of the supreme or circuit court may be removed from office, by address of both houses of the legislature, if two-thirds of all the members elected to each house concur therein; but no removal shall be made by virtue of this section unless the judge complained of shall have been served with a copy of the charges against him, as the ground of address, and shall have had an opportunity of being heard in his defence. On the question of removal, the ayes and noes shall be entered on the journals.

*Section 14.* There shall be chosen in each county, by the qualified electors thereof, a judge of probate, who shall hold his office for two years, and until his successor shall be elected and qualified, and whose jurisdiction, powers and duties, shall be prescribed by law: *Provided, however,* that the legislature shall have power to abolish the office of judge of probate in any county, and confer probate powers upon such inferior courts as may be established in said county.

*Section 15.* The electors of the several towns, at their annual town meeting, and the electors of cities and villages, at their charter elections, shall, in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be for two years, and until their successors in office shall be elected and qualified. In case of an election to fill a vacancy occurring before the expiration of a full term, the justice elected shall hold for the residue of the unexpired term. Their number and classification shall be regulated by law. And the tenure of two years shall in no wise interfere with the classification in the first instance. The justices

thus elected, shall have such civil and criminal jurisdiction as shall be prescribed by law.

*Section 16.* The legislature shall pass laws for the regulation of tribunals of conciliation, defining their powers and duties; such tribunals may be established in and for any township, and shall have power to render judgment to be obligatory on the parties, when they shall voluntarily submit their matter in difference to arbitration, and agree to abide the judgment or assent thereto in writing.

*Section 17.* The style of all writs and process shall be "the State of Wisconsin;" all criminal prosecutions shall be carried on in the name and by the authority of the same; and all indictments shall conclude against the peace and dignity of the State.

*Section 18.* The legislature shall impose a tax on all civil suits commenced or prosecuted in the municipal, inferior, or circuit courts, which shall constitute a fund to be applied toward the payment of the salary of judges.

*Section 19.* The testimony in causes in equity shall be taken in like manner, as in cases at law, and the office of master in chancery is hereby prohibited.

*Section 20.* Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.

*Section 21.* The legislature shall provide by law for the speedy publication of all statute laws, and of such judicial decisions, made within the State, as may be deemed expedient. And no general law shall be in force until published.

*Section 22.* The legislature, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, whose duty it shall be to inquire into, revise, and simplify the rules of practice, pleadings, forms and proceedings, and arrange a system adapted to the courts of record of this State, and report the same to the legislature, subject to their modification and adoption; and such commission shall terminate upon the rendering of the report, unless otherwise provided by law.

*Section 23.* The legislature may provide for the appointment of one or more persons in each organized county, and may vest in such persons such judicial power as shall be prescribed by law. Provided, that said power shall not exceed that of a judge of the circuit court at chambers.

#### ARTICLE VIII.

#### FINANCE.

*Section 1.* The rule of taxation shall be uniform, and taxes shall be levied upon such property as the legislature shall prescribe.

*Section 2.* No money shall be paid out of the treasury, except in pursuance of an appropriation by law.

*Section 3.* The credit of the State shall never be given or loaned in aid of any individual, association, or corporation.



*Section 4.* The State shall never contract any public debt except in the cases and manner herein provided.

*Section 5.* The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year, and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

*Section 6.* For the purpose of defraying extraordinary expenditures, the State may contract public debts, (but such debts shall never in the aggregate exceed one hundred thousand dollars.) Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal, within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

*Section 7.* The legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

*Section 8.* On the passage, in either house of the legislature, of any law which imposes, continues or renews a tax, or creates a debt or charge, or makes, continues, or renews an appropriation of public or trust money, or releases, discharges, or commutes a claim, or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered on the journal; and three-fifths of all the members elected to such house shall, in all such cases, be required to constitute a quorum therein.

*Section 9.* No scrip, certificate, or other evidence of State debt whatsoever shall be issued, except for such debts as are authorized by the sixth and seventh sections of this article.

*Section 10.* The State shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of internal improvements, the State may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

## ARTICLE IX.

## EMINENT DOMAIN AND PROPERTY OF THE STATE.

*Section 1.* The State shall have concurrent jurisdiction on all rivers and lakes bordering on this State, so far as such rivers or lakes shall form a common boundary to the State, and any other State or Territory, now or hereafter to be formed, and bounded by the same; and the river Mississippi, and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the State, as to the citizens of the United States, without any tax, impost or duty therefor.

*Section 2.* The title to all lands and other property, which have accrued to the Territory of Wisconsin by grant, gifts, purchase, forfeiture, escheat, or otherwise, shall vest in the State of Wisconsin.

*Section 3.* The people of the State, in their right of sovereignty, are declared to possess the ultimate property, in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail from a defect of heirs, shall revert or escheat to the people.

## ARTICLE X.

## EDUCATION.

*Section 1.* The supervision of public instruction shall be vested in a State superintendent, and such other officers as the legislature shall select. The State superintendent shall be chosen by the qualified electors of the State, in such manner as the legislature shall provide; his powers, duties and compensation shall be prescribed by law: *Provided*, that his compensation shall not exceed the sum of twelve hundred dollars annually.

*Section 2.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State for educational purposes, (except the lands heretofore granted for the purposes of a university,) and all moneys, and the clear proceeds of all property that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty; and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the State where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the State is entitled by the provisions of an act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one; and, also, the five per centum of the net proceeds of the public lands to which the State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be



called "The School Fund;" the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to wit:

1. To the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

*Section 3.* The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

*Section 4.* Each town and city shall be required to raise by tax, annually, for the support of common schools therein, a sum not less than one half the amount received by such town or city respectively for school purposes from the income of the school fund.

*Section 5.* Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the State, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town, for the year in which said city or town shall fail to raise such tax; nor to any school district for the year in which a school shall not be maintained at least three months.

*Section 6.* Provision shall be made by law for the establishment of a State university, at or near the seat of State government, and for connecting with the same, from time to time, such colleges in different parts of the State as the interests of education may require. The proceeds of all lands that have been, or may hereafter be, granted by the United States to the State for the support of a university, shall be and remain a perpetual fund, to be called "The University Fund," the interest of which shall be appropriated to the support of the State university; and no sectarian instruction shall be allowed in such university.

*Section 7.* The secretary of state, treasurer, and attorney general, shall constitute a board of commissioners for the sale of the school and university lands, and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

*Section 8.* Provision shall be made by law for the sale of all school and university lands, after they shall have been appraised; and when any portion of such lands shall be sold, and the purchase money shall not be paid at the time of the sale, the commissioners shall take security by mortgage upon the lands sold for the sum remaining unpaid, with seven per cent. interest thereon, payable annually at the office of the treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all pur-

chasers of such lands, and to discharge any mortgages taken as security when the sum due thereon shall have been paid. The commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other university and school funds, in such manner as the legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

#### ARTICLE XI.

### CORPORATIONS.

*Section 1.* Corporations, without banking powers or privileges, may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws, or special acts, enacted under the provisions of this section, may be altered or repealed by the legislature at any time after their passage.

*Section 2.* No municipal corporation shall take private property for public use, against the consent of the owner, without the necessity therefor being first established by the verdict of a jury.

*Section 3.* It shall be the duty of the legislature, and they are hereby empowered, to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and taxation, and in contracting debts by such municipal corporations.

*Section 4.* The legislature shall not have power to create, authorize, or incorporate, by any general or special law, any bank or banking power or privilege, or any institution or corporation having any banking power or privilege whatever, except as provided in this article.

*Section 5.* The legislature may submit to the voters, at any general election, the question of "bank," or "no bank;" and if, at any such election, a number of votes equal to a majority of all the votes cast at such election on that subject, shall be in favor of banks, then the legislature shall have power to grant bank charters, or to pass a general banking law, with such restrictions, and under such regulations as they may deem expedient and proper for the security of the bill-holders. *Provided,* That no such grant or law shall have any force or effect until the same shall have been submitted to a vote of the electors of the State, at some general election, and been approved by a majority of the votes cast on that subject at such election.



## ARTICLE XII.

## AMENDMENTS.

*Section 1.* Any amendment or amendments to this constitution may be proposed in either house of the legislature, and, if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election; and if, in the legislature so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time, as the legislature shall prescribe; and, if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, such amendment or amendments shall become part of the constitution: *Provided, That,* if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately.

*Section 2.* If, at any time, a majority of the senate and assembly shall deem it necessary to call a convention to revise or change this constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the legislature. And, if it shall appear that a majority of the electors voting thereon, have voted for a convention, the legislature shall, at its next session, provide for calling such convention.

## ARTICLE XIII.

## MISCELLANEOUS PROVISIONS.

*Section 1.* The political year, for the State of Wisconsin, shall commence on the first Monday in January, in each year, and the general election shall be holden on the Tuesday succeeding the first Monday in November in each year.

*Section 2.* Any inhabitant of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the constitution and laws of this State, and may be punished in such other manner as shall be prescribed by law.

*Section 3.* No member of Congress, nor any person holding any office of profit or trust under the United States, (postmasters excepted,) or under any foreign power, no person convicted of any infamous crime in any court within the United States, and no person being a defaulter to the United States, or to this State, or to any county or town therein, or to any State or Territory within the

United States, shall be eligible to any office of trust, profit, or honor, in this State.

*Section 4.* It shall be the duty of the legislature to provide a great seal for the State, which shall be kept by the Secretary of State, and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

*Section 5.* All persons residing upon Indian lands, within any county of the State, and qualified to exercise the right of suffrage under this constitution, shall be entitled to vote at the polls which may be held nearest their residence, for State, United States, or county officers: *Provided*, That no person shall vote for county officers out of the county in which he resides.

*Section 6.* The elective officers of the legislature, other than the presiding officers, shall be a chief clerk and a sergeant-at-arms, to be elected by each house.

*Section 7.* No county with an area of nine hundred square miles, or less, shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county, voting on the question, shall vote for the same.

*Section 8.* No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county, voting on the question, shall have voted in favor of its removal to such point.

*Section 9.* All county officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of the respective counties, or appointed by the boards of supervisors, or other county authorities, as the legislature shall direct. All city, town, and village officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of such cities, towns, and villages, or of some division thereof, or appointed by such authorities thereof, as the legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the legislature may direct.

*Section 10.* The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

#### ARTICLE XIV.

#### SCHEDULE.

*Section 1.* That no inconvenience may arise by reason of a change from a territorial to a permanent State government, it is declared, that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place; and all process which may be issued under the authority of the Territory of Wisconsin, pre-



vious to its admission into the Union of the United States, shall be as valid as if issued in the name of the State.

*Section 2.* All laws now in force in the Territory of Wisconsin, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

*Section 3.* All fines, penalties, or forfeitures, accruing to the Territory of Wisconsin, shall enure to the use of the State.

*Section 4.* All recognizances heretofore taken, or which may be taken before the change from territorial to a permanent State government, shall remain valid, and shall pass to, and may be prosecuted in the name of the State; and all bonds executed to the governor of the Territory, or to any other officer or court, in his, or their official capacity, shall pass to the governor or State authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate, or property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, and claims or debts of whatsoever description of the Territory of Wisconsin, shall enure to, and vest in the State of Wisconsin, and may be sued for and recovered in the same manner and to the same extent by the State of Wisconsin, as the same could have been by the Territory of Wisconsin. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offences committed against the laws of the Territory of Wisconsin, before the change from a territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name, and by the authority, of the State of Wisconsin, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law, and suits in equity, which may be pending in any of the courts of the Territory of Wisconsin, at the time of the change from a territorial to a State government, may be continued and transferred to any court of the State, which shall have jurisdiction of the subject matter thereof.

*Section 5.* All officers, civil or military, now holding their offices under the authority of the United States, or of the Territory of Wisconsin, shall continue to hold and exercise their respective offices, until they shall be superseded by the authority of the State.

*Section 6.* The first session of the legislature of the State of Wisconsin, shall commence on the first Monday in June next, and shall be held at the village of Madison, which shall be and remain the seat of government, until otherwise provided by law.

*Section 7.* All county, precinct, and township officers, shall continue to hold their respective offices, unless removed by the competent authority, until the legislature shall, in conformity with the provisions of this constitution, provide for the holding of elections to fill such offices respectively.

*Section 8.* The president of this convention shall, immediately

after its adjournment, cause a fair copy of this constitution, together with a copy of the act of the legislature of this territory, entitled "An Act in relation to the formation of a State government in Wisconsin, and to change the time of holding the annual session of the legislature," approved October 27th, 1847, providing for the calling of this convention, and also a copy of so much of the last census of this territory as exhibits the number of its inhabitants, to be forwarded to the President of the United States, to be laid before the Congress of the United States at its present session.

*Section 9.* This constitution shall be submitted, at an election to be held on the second Monday in March next, for ratification or rejection, to all white male persons of the age of twenty-one years or upwards, who shall then be residents of this Territory, and citizens of the United States, or shall have declared their intention to become such, in conformity with the laws of Congress on the subject of naturalization; and all persons having such qualifications shall be entitled to vote for, or against, the adoption of this constitution, and for all offices first elected under it. And if the constitution be ratified by the said electors, it shall become the constitution of the State of Wisconsin.

On such of the ballots as are for the constitution, shall be written or printed the word "yes;" and on such as are against the constitution, the word "no." The election shall be conducted in the manner now prescribed by law, and the returns made by the clerks of the board of supervisors, or county commissioners, (as the case may be,) to the governor of the territory, at any time before the tenth day of April next. And in the event of the ratification of this constitution, by a majority of all the votes given, it shall be the duty of the governor of this territory to make proclamation of the same, and to transmit a digest of the returns to the senate and assembly of the State, on the first day of their session. An election shall be held for governor, lieutenant governor, treasurer, attorney general, members of the State legislature, and members of Congress, on the second Monday of May next; and no other or further notice of such election shall be required.

*Section 10.* Two members of Congress shall also be elected on the second Monday of May next; and until otherwise provided by law, the counties of Milwaukee, Waukesha, Jefferson, Racine, Walworth, Rock and Green, shall constitute the first congressional district, and elect one member. And the counties of Washington, Sheboygan, Manitowoc, Calumet, Brown, Winnebago, Fond du Lac, Marquette, Sauk, Portage, Columbia, Dodge, Dane, Iowa, La Fayette, Grant, Richland, Crawford, Chippewa, St. Croix and La Pointe, shall constitute the second congressional district, and shall elect one member:

*Section 11.* The several elections, provided for in this article, shall be conducted according to the existing laws of the Territory, provided that no elector shall be entitled to vote except in the town, ward, or precinct, where he resides. The returns of elections for senators and members of assembly shall be transmitted to



the clerk of the board of supervisors, or county commissioners, as the case may be; and the votes shall be canvassed, and certificates of election issued as now provided by law. In the first senatorial district, the returns of the election for senator shall be made to the proper officer in the county of Brown; in the second senatorial district, to the proper officer in the county of Columbia; in the third senatorial district, to the proper officer in the county of Crawford; in the fourth senatorial district, to the proper officer in the county of Fond Du Lac; and in the fifth senatorial district, to the proper officer in the county of Iowa.

The returns of election for State officers and members of Congress shall be certified and transmitted to the speaker of assembly, at the seat of government, in the same manner as the votes for delegates to Congress are required to be certified and returned, by the laws of the Territory of Wisconsin, to the secretary of said Territory, and in such time that they may be received on the first Monday in June next; and as soon as the legislature shall be organized, the speaker of the assembly, and the president of the senate, shall, in the presence of both houses, examine the returns, and declare who are duly elected to fill the several offices herein before mentioned; and give to each of the persons elected a certificate of his election.

*Section 12.* Until there shall be a new apportionment, the senators and members of the assembly shall be apportioned among the several districts, as hereinafter mentioned, and each district shall be entitled to elect one senator, or member of the assembly, as the case may be.

The counties of Brown, Calumet, Manitowoc, and Sheboygan shall constitute the first senate district.

The counties of Columbia, Marquette, Portage, and Sauk shall constitute the second senate district.

The counties of Crawford, Chippewa, St. Croix, and La Pointe shall constitute the third senate district.

The counties of Fond du Lac and Winnebago shall constitute the fourth senate district.

The counties of Iowa and Richland shall constitute the fifth senate district.

The county of Grant shall constitute the sixth senate district.

The county of La Fayette shall constitute the seventh senate district.

The county of Green shall constitute the eighth senate district.

The county of Dane shall constitute the ninth senate district.

The county of Dodge shall constitute the tenth senate district.

The county of Washington shall constitute the eleventh senate district.

The county of Jefferson shall constitute the twelfth senate district.

The county of Waukesha shall constitute the thirteenth senate district.

The county of Walworth shall constitute the fourteenth senate district.

The county of Rock shall constitute the fifteenth senate district.

The towns of Southport, Pike, Pleasant Prairie, Paris, Bristol, Brighton, Salem, and Wheatland, in the county of Racine, shall constitute the sixteenth senate district.

The towns of Racine, Caledonia, Mount Pleasant, Raymond, Norway, Rochester, Yorkville, and Burlington, in the county of Racine, shall constitute the seventeenth senate district.

The third, fourth, and fifth wards of the city of Milwaukee, and the towns of Lake, Oak Creek, Franklin, and Greenfield, in the county of Milwaukee, shall constitute the eighteenth senate district.

The first and second wards of the city of Milwaukee, and the towns of Milwaukee, Wauwautosa, and Granville, in the county of Milwaukee, shall constitute the nineteenth senate district.

The county of Brown shall constitute an assembly district.

The county of Calumet shall constitute an assembly district.

The county of Manitowoc shall constitute an assembly district.

The county of Columbia shall constitute an assembly district.

The counties of Crawford and Chippewa shall constitute an assembly district.

The counties of St. Croix and La Point shall constitute an assembly district.

The towns of Windsor, Sun Prairie, and Cottage Grove, in the county of Dane, shall constitute an assembly district.

The towns of Madison, Cross Plains, Clarkson, Springfield, Verona, Montrose, Oregon, and Greenfield, in the county of Dane, shall constitute an assembly district.

The towns of Rome, Dunkirk, Christiana, Albion, and Rutland, in the county of Dane, shall constitute an assembly district.

The towns of Burnett, Chester, Leroy, and Williamstown, in the county of Dodge, shall constitute an assembly district.

The towns of Fairfield, Hubbard, and Rubicon, in the county of Dodge, shall constitute an assembly district.

The towns of Hustisford, Ashippun, Lebanon, and Emmet, in the county of Dodge, shall constitute an assembly district.

The towns of Elba, Lowell, Portland, and Clyman, in the county of Dodge, shall constitute an assembly district.

The towns of Calamus, Beaverdam, Fox Lake, and Trenton, in the county of Dodge, shall constitute an assembly district.

The towns of Calumet, Forest, Auburn, Byron, Taycheedah, and Fond du Lac, in the county of Fond du Lac, shall constitute an assembly district.

The towns of Alto, Metomon, Ceresco, Rosendale, Waupun, Oakfield, and Seven Mile Creek, in the county of Fond du Lac, shall constitute an assembly district.

The precincts of Hazel Green, Fair Play, Smeltzer's Grove, and Jamestown, in the county of Grant, shall constitute an assembly district.

The precincts of Platteville, Head of Platte, Centreville, Muscoday, and Fennimore, in the county of Grant, shall constitute an assembly district.

The precincts of Pleasant Valley, Potosi, Waterloo, Hurricane,



and New Lisbon, in the county of Grant, shall constitute an assembly district.

The precincts of Beetown, Patch Grove, Cassville, Millville, and Lancaster, in the county of Grant, shall constitute an assembly district.

The county of Greene shall constitute an assembly district.

The precincts of Dallas, Pedler's Creek, Mineral Point, and Yellow Stone, in the county of Iowa, shall constitute an assembly district.

The precincts of Franklin, Dodgeville, Porter's Grove, Arena, and Percussion, in the county of Iowa, and the county of Richland, shall constitute an assembly district.

The towns of Watertown, Aztalan, and Waterloo, in the county of Jefferson, shall constitute an assembly district.

The towns of Ixonia, Concord, Sullivan, Hebron, Cold Spring, and Palmyra, in the county of Jefferson, shall constitute an assembly district.

The towns of Lake Mills, Oakland, Koskonong, Farmington, and Jefferson, in the county of Jefferson, shall constitute an assembly district.

The precincts of Benton, Elk Grove, Belmont, Willow Springs, Prairie, and that part of Shullsburgh precinct north of town one in the county of La Fayette, shall constitute an assembly district.

The precincts of Wiota, Wayne, Gratiot, White Oak Springs, Fever River, and that part of Shullsburgh precinct south of town two, in the county of La Fayette, shall constitute an assembly district.

The county of Marquette shall constitute an assembly district.

The first ward of the city of Milwaukee shall constitute an assembly district.

The second ward of the city of Milwaukee shall constitute an assembly district.

The third ward of the city of Milwaukee shall constitute an assembly district.

The fourth and fifth wards of the city of Milwaukee shall constitute an assembly district.

The towns of Franklin and Oak Creek, in the county of Milwaukee, shall constitute an assembly district.

The towns of Greenfield and Lake, in the county of Milwaukee, shall constitute an assembly district.

The towns of Granville, Wauwautosa, and Milwaukee, in the county of Milwaukee, shall constitute an assembly district.

The county of Portage shall constitute an assembly district.

The town of Racine, in the county of Racine, shall constitute an assembly district.

The towns of Norway, Raymond, Caledonia, and Mount Pleasant, in the county of Racine, shall constitute an assembly district.

The towns of Rochester, Burlington, and Yorkville, in the county of Racine, shall constitute an assembly district.

The towns of Southport, Pike, and Pleasant Prairie, in the county of Racine, shall constitute an assembly district.

The town of Paris, Bristol, Brighton, Salem, and Wheatland, in the county of Racine, shall constitute an assembly district.

The towns of Jamesville and Bradford, in the county of Rock, shall constitute an assembly district.

The towns of Beloit, Turtle, and Clinton, in the county of Rock, shall constitute an assembly district.

The towns of Magnolia, Union, Porter, and Fulton, in the county of Rock, shall constitute an assembly district.

The towns of Milton, Lima, and Johnstown, in the county of Rock, shall constitute an assembly district.

The towns of Newark, Rock, Avon, Spring Valley, and Centre, in the county of Rock, shall constitute an assembly district: *Provided*, That, if the legislature shall divide the town of Centre, they may attach such part of it to the district lying next north as they may deem expedient.

The county of Sauk shall constitute an assembly district.

Precincts numbered one, three, and seven, in the county of Sheboygan, shall constitute an assembly district.

Precincts numbered two, four, five, and six, in the county of Sheboygan, shall constitute an assembly district.

The towns of Troy, East Troy, and Spring Prairie, in the county of Walworth, shall constitute an assembly district.

The towns of Whitewater, Richmond, and La Grange, in the county of Walworth, shall constitute an assembly district.

The towns of Geneva, Hudson, and Bloomfield, in the county of Walworth, shall constitute an assembly district.

The towns of Darien, Sharon, Walworth, and Linn, in the county of Walworth, shall constitute an assembly district.

The towns of Delavan, Sugar Creek, La Fayette, and Elkhorn, in the county of Walworth, shall constitute an assembly district.

The towns of Lisbon, Menomonee, and Brookfield, in the county of Waukesha, shall constitute an assembly district.

The towns of Warren, Oconomewoc, Summit, and Ottawa, in the county of Waukesha, shall constitute an assembly district.

The towns of Delafield, Genesee, and Pewaukee, in the county of Waukesha, shall constitute an assembly district.

The towns of Waukesha, and New Berlin, in the county of Waukesha, shall constitute an assembly district.

The towns of Eagle, Mukwonago, Vernon, and Muskego, in the county of Waukesha, shall constitute an assembly district.

The towns of Port Washington, Fredonia, and Clarence, in the county of Washington, shall constitute an assembly district.

The towns of Jackson, and Grafton, in the county of Washington, shall constitute an assembly district.

The towns of Meguon, and Germantown, in the county of Washington, shall constitute an assembly district.

The towns of Polk, Richfield, and Erin, in the county of Washington, shall constitute an assembly district.

The towns of Hartford, Addison, West Bend, and North Bend, in the county of Washington, shall constitute an assembly district.

The county of Winnebago, shall constitute an assembly district.



The foregoing districts are subject, however, so far to be altered, that, when any new town shall be organized, it may be added to either of the adjoining assembly districts.

*Section 13.* Such parts of the common law as are now in force in the Territory of Wisconsin, not inconsistent with this constitution, shall be and continue a part of the law of this State, until altered, or suspended by the legislature.

*Section 14.* The senators first elected in the even numbered senate districts, the governor, lieutenant governor, and other State officers first elected under this constitution, shall enter upon the duties of their respective offices on the first Monday of June next, and shall continue in office for one year from the first Monday of January next; the senators first elected in the odd numbered senate districts, and the members of the assembly first elected, shall enter upon their duties, respectively, on the first Monday of June next, and shall continue in office until the first Monday in January next.

*Section 15.* The oath of office may be administered by any judge or justice of the peace, until the legislature shall otherwise direct.

## RESOLUTIONS.

*Resolved,* That the Congress of the United States be, and is hereby, requested, upon the application of Wisconsin for admission into the Union, so to alter the provisions of an act of Congress entitled "An act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," approved June eighteenth, eighteen hundred and thirty-eight, and so to alter the terms and conditions of the grant made therein, that the odd numbered sections thereby granted and remaining unsold, may be held and disposed of by the State of Wisconsin, as part of the five hundred thousand acres of land to which said State is entitled by the provisions of an act of Congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, eighteen hundred and forty-one; and, further, that the even numbered sections, reserved by Congress, may be offered for sale by the United States for the same minimum price, and subject to the same rights of pre-emption as other public lands of the United States.

*Resolved,* That Congress be further requested to pass an act whereby the excess price over and above one dollar and twenty-five cents per acre, which may have been paid by the purchasers of said even numbered sections which shall have been sold by the United States, be refunded to the present owners thereof, or they be allowed to enter any of the public lands of the United States to an amount equal in value to the excess so paid.

*Resolved,* That in case the said odd numbered sections shall be ceded to the State as aforesaid, the same shall be sold by the State in the same manner as other school lands: *Provided,* That the same rights of pre-emption as are now granted by the laws of the Uni-

ted States, shall be secured to persons who may be actually settled upon such lands at the time of the adoption of this constitution: *And provided, further,* That the excess price, over and above one dollar and twenty-five cents per acre, absolutely or conditionally contracted to be paid by the purchasers of any part of said sections, which shall have been sold by the Territory of Wisconsin, shall be remitted to such purchasers, their representatives, or assigns.

*Resolved,* That Congress be requested, upon the application of Wisconsin for admission into the Union, to pass an act whereby the grant of five hundred thousand acres of land, to which the State of Wisconsin is entitled by the provisions of an act of Congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, eighteen hundred and forty-one; and, also, the five per centum of the nett proceeds of the public lands lying within the State, to which it shall become entitled on its admission into the Union, by the provisions of an act of Congress, entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union," approved the sixth day of August, eighteen hundred and forty-six, shall be granted to the State of Wisconsin for the use of schools, instead of the purposes mentioned in the said acts of Congress respectively.

*Resolved,* That the Congress of the United States be, and hereby is, requested, upon the admission of this State into the Union, so to alter the provisions of the act of Congress, entitled "An act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the Territory of Wisconsin," that the price of the lands reserved to the United States, shall be reduced to the minimum price of the public lands.

*Resolved,* That the legislature of this State shall make provision by law for the sale of the lands granted to the State in aid of said improvements, subject to the same rights of pre-emption to the settlers thereon, as are now allowed by law to settlers on the public lands.

*Resolved,* That the foregoing resolutions be appended to, and signed with the constitution of Wisconsin, and submitted therewith to the people of this Territory, and to the Congress of the United States.

We the undersigned, members of the convention to form a constitution for the State of Wisconsin, to be submitted to the people thereof, for their ratification or rejection, do hereby certify that the foregoing is the constitution adopted by the convention.

In testimony whereof, we have hereunto set our hands, at Madison, the first day of February, A. D. 1848.

MORGAN L. MARTIN,  
*President of the Convention and delegate from the county of Brown.*

THOMAS McHUGH, *Secretary.*



G. W. FEATHERSTONHAUGH,	<i>of Calumet county.</i>
JAMES T. LEWIS,	<i>of Columbia county.</i>
D. G. FENTON,	<i>of Crawford county.</i>
WM. W. FOX,	} <i>of Dane county.</i>
C. M. NICHOLS,	
WILLIAM A. WHEELER,	
STODDARD JUDD,	
CHAS. H. LANABEE,	} <i>of Dodge county.</i>
SAMUEL W. LYMAN,	
S. W. BEALL,	} <i>of Fond du Lac county.</i>
WARREN CHASE,	
O. COLE,	} <i>of Grant county.</i>
GEORGE W. LAKIN,	
ALEXANDER D. RAMSEY,	
WILLIAM RICHARDSON,	
JOHN HAWKINS ROUNTREE,	
JANES BIGGS,	} <i>of Greene county.</i>
CHARLES BISHOP,	
L. P. HOLLENBECK,	} <i>of Iowa county.</i>
JOSEPH WARD,	
JONAS FOLTS,	} <i>of Jefferson county.</i>
MILO JONES,	
THEODORE PRENTISS,	
ABRAHAM VANDERPOOL,	
CHARLES DUNN,	
JOHN O'CONNOR,	} <i>of La Fayette county.</i>
ALLEN WARDEN,	
JOHN L. DORAN,	} <i>of Milwaukee county.</i>
GARRET M. FITZGERALD,	
ALBERT FOWLER,	
RUFUS KING,	
CHARLES H. LARKIN,	
MORITZ SHOEFFLER,	} <i>of Portage county.</i>
WILLIAM H. KENNEDY,	
ALBERT G. COLE,	} <i>of Racine county.</i>
STEPHEN A. DAVENPORT,	
ANDREW B. JACKSON,	
F. S. LOVELL,	
SAMUEL R. McCLELLAN,	
JAMES DERWAN REYMERT,	} <i>of Rock county.</i>
HORACE T. SANDERS,	
THEODORE SECOR,	
A. M. CARTER,	
JOSEPH COLLEY,	
PAUL CRANDALL,	} <i>of Sheboygan county.</i>
EZRA A. FOOTE,	
LOUIS P. HARVEY,	
EDWARD V. WHETON,	
SILAS STEDMAN,	

EXPERIENCE ESTABROOK,  
 GEORGE GALE,  
 JAMES HARRINGTON,  
 A. C. KINNE,  
 HOLLIS LATHAM,  
 EZRA A. MULFORD,  
 JAMES FAGAN,  
 PATRICK PENTONY,  
 HARVEY G. TURNER,  
 SQUIRE S. CASE,  
 ALFRED L. CASTLEMAN,  
 PETER D. GIFFORD,  
 ELEAZER ROOT,  
 GEORGE SCAGEL,  
 HARRISON REED,

} of Walworth county.

} of Washington county

} of Waukesha.

*Abstract of the population of the several counties in the Territory of Wisconsin, on the first day of December, in the year of Lord one thousand eight hundred and forty-seven.*

Name of Counties.	Popul
Brown .....	2
Calumet .....	1
Columbia .....	3
Chippewa, (not returned.) .....	
Crawford .....	1
Dane .....	10
Dodge .....	14
Fond du Lac .....	7
Grant .....	11
Green .....	6
Iowa and Richland .....	7
Jefferson .....	11
Lafayette .....	9
La Point .....	
Manitowoc .....	1
Marquette .....	2
Milwaukee .....	22
Portage .....	1
Racine .....	19
Rock .....	14
Sauk .....	2
Sheboygan .....	5
St. Croix .....	1
Walworth .....	15
Washington .....	15
Waukesha .....	15
Winnebago .....	2
Total .....	210



OFFICE OF THE SECRETARY OF WISCONSIN TERRITORY,  
*Madison, February 5, 1848.*

I, John Catlin, Secretary of the Territory of Wisconsin, do hereby certify that the above is a true abstract of the population of the Territory of Wisconsin, on the first day of December, A. D. 1847, as appears by the official returns made to this office; and that the printed copy of an act contained in the pamphlet, hereto attached, entitled "an act in relation to the formation of a State government in Wisconsin, and to change the time for holding the annual session of the legislature," approved October 27, A. D. 1847, is a true copy of the original, now remaining of record in this office, and of the whole of such original.

[SEAL.] In testimony whereof, I have hereto set my hand, and caused the seal of the Territory of Wisconsin to be affixed, at Madison, on the day and year first above written,

JOHN CATLIN,  
*Secretary of Wisconsin Territory.*

*Laws of Wisconsin Territory, passed at the special session of the Legislative Assembly, October 27, 1847.*

AN ACT in relation to the formation of a State government in Wisconsin, and to change the time for holding the annual session of the legislature.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, That on the fifth Monday of November, A. D. 1847, every white male inhabitant of the Territory of Wisconsin, above the age of 21 years, and who shall have resided therein, for six months next preceding said day, and who shall be a citizen of the United States, or shall have declared his intention to become such citizen, according to the laws of the United States on the subject of naturalization, shall be authorized to vote by ballot for the number of delegates to a convention to form a constitution for the State of Wisconsin, which is hereinafter apportioned to the county in which he shall vote: Provided, That no person shall vote in any county for such delegates, unless he shall have been a resident of that county for the period of ten days next preceding the time of offering his vote; and all legal voters resident upon Indian territory shall, under the qualifications prescribed by this act, have the right to vote for delegates in the counties nearest to their residence.*

SEC. 2. Every person authorized by this act to vote for delegates to the convention herein provided for, shall be eligible as a delegate to said convention for the county or district in which he resides.

SEC. 3. The number of delegates to be elected to said conven-

tion in the several counties of the Territory shall be as follows, to wit:

In the county of Racine,.....	eight delegates.
In the county of Milwaukee,.....	seven “
In the county of Walworth,.....	six “
In the county of Waukesha,.....	six “
In the county of Rock,.....	six “
In the county of Grant,.....	five “
In the county of Jefferson,.....	four “
In the county of La Fayette,.....	three “
In the counties of Iowa and Richland,.....	three “
In the county of Dane,.....	three “
In the county of Dodge,.....	three “
In the county of Washington,.....	three “
In the county of Green,.....	two “
In the county of Fond du Lac,.....	two “
In the counties of Sheboygan and Manitowoc,....	one delegate.]
In the county of Brown,.....	one “
In the county of Calumet,.....	one “
In the counties of Winnebago and Marquette,....	one “
In the counties of Portage and Sauk,.....	one “
In the counties of Crawford and Chippewa,.....	one “
In the counties of St. Croix and La Pointe,.....	one “
In the county of Columbia,.....	one “

SEC. 4. The votes cast for such delegates shall be taken, canvassed, certified, and returned, and certificates of election made out and delivered in the same manner as is provided by law for taking, canvassing, certifying, and returning votes, and making out and delivering certificates of election for members of the House of Representatives: *Provided*, That the returns of the said votes to the officers now designated by law in the several counties to receive the same, shall be made on or before the first Monday succeeding the day of election herein provided for: *Provided further*, That the clerk of the board of county supervisors or of county commissioners, as the case may be, of each county, shall make out and deliver certificates of election to such persons as may have been elected delegates in said county, and shall not in any case be required to transmit the returns of the votes of said county to any other county, except that the returns of Richland county shall be transmitted to the county of Iowa; the returns of Manitowoc county shall be transmitted to the county of Sheboygan; the returns of the county of Winnebago shall be transmitted to the county of Marquette; the returns of the county of Portage shall be transmitted to the county of Sauk; the returns of the county of Chippewa shall be transmitted to the county of Crawford, and the returns of the county of La Pointe shall be transmitted to the county of St. Croix, and the person or persons voted for delegate or delegates, equal in number to that above apportioned to such county or district who shall have received the greatest number of votes, shall be declared duly elected.



SEC. 5. The said delegates shall assemble in the representatives' hall in the capitol, at Madison, in the said Territory, on the third Wednesday of December, A. D. 1847, at 12 o'clock, meridian, and when so assembled, shall have full power and authority to form a republican constitution for the State of Wisconsin.

SEC. 6. The convention shall elect one of their number president, and appoint one or more secretaries, and such other officers as may be necessary to the permanent organization of their body, and shall adopt rules for the regulation of its members and officers, and have full power to enforce the same.

SEC. 7. Each delegate shall receive two dollars and fifty cents per day for his services in said convention, and ten cents per mile for travel going to and returning from the same. The officers of said convention shall receive such compensation as the convention shall deem proper to allow; and the compensation of the members and officers of said convention, together with the incidental expenses of the convention, shall be paid out of the territorial treasury on the certificate of the president; and the auditor is hereby authorized to receive said certificates, and issue warrants on the territorial treasury therefor, in such sums as the holders may desire.

SEC. 8. It shall be the duty of said convention to give publicity to the constitution adopted by them, by providing for its publication in all the newspapers published in the Territory: *Provided*, That such papers will publish the same for a sum not exceeding twenty dollars per paper, and no expense shall be incurred for its publication in pamphlet form; to submit the same to a vote of the people for their approval, and to provide how the votes cast upon that subject shall be taken, canvassed and returned; and the said convention shall also have the power to submit the said constitution to the Congress of the United States, and to apply in such manner as they may deem proper for the admission of the State of Wisconsin into the Union.

SEC. 9. When any person shall offer to vote at any election provided for by this act, and either of the judges of election shall suspect that such person does not possess the qualifications of a voter, or if his vote shall be challenged by any voter, one of the judges of election shall tender to such person an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm, as the case may be) that I have resided in this territory six months, and in this county ten days immediately preceding this election; I am twenty-one years of age, as I verily believe; I am a citizen of the United States, (or have declared my intention to become such according to the laws of Congress on the subject of naturalization,) and I have not voted at this election." And if such person shall take such oath or affirmation, his vote shall be received, unless it shall be proved by evidence satisfactory to a majority of the judges that he does not possess the qualifications of a voter; and if such person refuses to take said oath or affirmation, his vote shall be rejected.

SEC. 10. If any person shall vote at any election provided for by

this act, knowing that he does not possess the qualifications of a voter therein prescribed, he shall be liable to be indicted for so voting; and upon conviction thereof, shall be punished by imprisonment in the county jail of the county in which he shall be convicted, for a period not less than three months nor more than one year. And if any person shall take the oath or affirmation prescribed by this act relative to the qualification of voters, knowing the same to be false, he shall be deemed to be guilty of perjury; and upon conviction thereof, shall be punished in the same manner as is now provided by law for the punishment of the crime of perjury.

SEC. 11. The qualified electors present at the place of holding any election provided for in this act, shall have power to fill any vacancy (for the time being) that may exist in the board of election as now constituted by law.

SEC. 12. At any election held in pursuance of the provisions of this act, the polls shall be opened at the several places where the last annual election was held, between the hours of eight and ten o'clock, a. m., and shall be closed at five o'clock, p. m.; any law of this Territory to the contrary notwithstanding.

SEC. 13. The governor shall, within ten days from the passage of this act, appoint in each of the counties of the Territory some suitable person, who is hereby authorized and required to cause the number of inhabitants in the county for which he shall have been appointed to be accurately taken, omitting in the enumeration Indians, not citizens, and officers and soldiers of the regular army of the United States; and every person so appointed shall have [power] to appoint as many assistants to aid him in taking the census as he may deem necessary, and shall assign to each assistant a certain division of his county, which shall be accurately defined, either by Congressional township lines or the boundaries of towns organised for town government, or shall be distinctly bounded by water courses or public roads: *Provided*, That if any person so appointed shall refuse or fail to perform the duties required by this act, it shall be the duty of the governor forthwith to appoint some other suitable person to perform the same; and he is hereby authorized, should he deem it necessary, to extend in such case the time limited by this [act] for the performance of said duties for such period as he may deem proper.

SEC. 14. The governor shall immediately upon making such appointments, furnish the secretary of the Territory the names of all persons so appointed, and their residence, so far as he can ascertain the same, which the secretary shall record in the executive journal; and the secretary shall furnish to every person so appointed a certificate of such appointment, and shall at the same time forward to him the necessary blank forms for carrying into effect the provisions of this act, to be prepared by the secretary, the expense of preparing which shall be paid by the Territory.

SEC. 15. The persons appointed to take the census, and their assistants, shall severally take and subscribe an oath or affirmation before some person authorized by law to administer oaths, previous to entering upon the discharge of the duties imposed by this act,



that they will well and truly cause to be made, a just and perfect enumeration of all the persons resident within their county or division, as the case may be, and a true return thereof make, in pursuance of the provisions of this act, according to the best of their abilities, which oath or oaths shall be returned with the census, as hereinafter provided, to the secretary of the Territory. Every assistant so appointed, shall return to the person by whom he was appointed, a just and perfect enumeration of the inhabitants of the district or division assigned to him in the form so as aforesaid to be prepared by the secretary. And the several persons appointed in pursuance of the provisions of this act, to take the census in their respective counties, shall, by the twenty-fifth day of December next, prepare duplicate copies of the enumeration of the inhabitants of their respective counties, specifying the number of inhabitants in each town in the counties under the town system of government, and in each precinct in those counties under the county system of government; and forthwith transmit one of said copies properly certified, to the secretary of the Territory, and the other to the register of deeds of said county, or if there be no register in such county, to the register of deeds of the county to which it is attached for judicial purposes, and the said register shall preserve the same on file in his office, subject to the inspection of all persons.

SEC. 16. If any person, appointed in pursuance of the provisions of this act, to take the census, shall fail to complete said census, and make returns thereof by the time limited by this act, he shall not be entitled to receive any compensation therefor, and every person so appointed, who shall accept said appointment, and every assistant who shall be appointed and shall accept such appointment, who shall knowingly make a false return, shall forfeit and pay the sum of two hundred dollars, to be recovered in the name and for the use of the Territory, before any court of competent jurisdiction.

SEC. 17. The said enumeration shall commence on the first day of December, A. D. 1847, and shall be completed and closed within fifteen days thereafter. It shall include only those who are residents of said respective counties or divisions on the first day of December aforesaid, and shall be made by an actual inquiry by the persons taking such census at every dwelling, or by personal inquiry of the head of every family, in their respective counties or divisions.

SEC. 18. Every assistant shall, by the twentieth day of December, A. D. 1847, make and deliver to the person by whom he was appointed, a true and accurate copy of the enumeration of all persons whose enumeration is herein provided for, which shall be set forth in a schedule designating the townships, precincts or districts constituting his division, according to the civil or geographical boundaries thereof, and shall embrace the several families by the name of the head thereof, and the aggregate number therein.

SEC. 19. The persons appointed to take such census shall each be allowed the sum of five dollars for making the abstracts or copies required by section fifteen, and said persons and their assistants shall receive, as compensation for the service performed in taking said census, at the rate of one dollar for every one hundred

persons enumerated by them respectively: *Provided*, That in the counties of St. Croix, Chippewa, and La Pointe, said compensation shall be at the rate of three dollars for every one hundred persons enumerated therein, and in the county of Richland at the rate of five dollars for one hundred, and in the county of Portage three dollars for every one hundred: *Provided, also*, That each county shall pay for taking the census in its own limits, and for the abstracts and copies of the same, in the same manner as other county expenses are paid.

SEC. 20. If it shall appear from the returns of the votes cast upon the question of adopting the constitution which shall be submitted by the convention to the people, that the same has not been adopted, it shall be the duty of the governor of the Territory forthwith to issue a proclamation authorizing an election of delegates to form a constitution for the State of Wisconsin, at such time as he may designate. The number of delegates so to be elected in each county, the eligibility of persons to the office of delegate, the qualifications of voters at such election, the manner of conducting the same, and of taking, canvassing, and returning the votes cast at such election, and of making out and delivering certificates of election, shall in all respects be the same as is hereinbefore provided.

SEC. 21. The delegates so elected, under the twentieth section of this act, shall assemble at the representatives' hall, in the capitol at Madison, in said Territory, on the fourth Monday after such election, at twelve o'clock, m., and when so assembled, shall have the same powers and shall perform the same duties and receive the same pay as is hereinbefore prescribed in relation to the delegates first above provided for.

SEC. 22. The superintendent of Territorial property is hereby directed to procure, previous to the assembling of the convention first above provided for, a requisite supply of stationery for the use of the members thereof; and the sum of six hundred and ninety dollars is hereby appropriated out of the Territorial treasury for that purpose, and the further sum of six hundred and ninety dollars is hereby appropriated, to be expended in the same manner, for the use of the second convention above provided for, in case the same shall be authorized by proclamation of the governor as aforesaid, and to be drawn out of the Territorial treasury after such proclamation shall have been issued.

SEC. 23. The annual session of the legislative assembly which is required by law to be held at the capitol, on the first Monday in January next, shall be held at the same place, commencing on the first Monday of February next; and all Territorial officers elected at the last annual session for the term of one year, shall hold their respective offices until the close of said February session, or until others shall be elected and qualified in their stead.

I. P. WALKER,

*Speaker of the House of Representatives.*

HORATIO N. WELLS,

*President of the Council.*

Approved, October 27, 1847:

HENRY DODGE.



AN ACT to provide for the payment of the expenses of the special session of the legislative assembly for A. D. 1847.

SECTION 1. *Be it enacted by the council and house of representatives of the Territory of Wisconsin:* There shall be paid out of the sum appropriated by Congress at its session of A. D., 1846 and 1847, for defraying the expenses of the legislative assembly of this Territory, as follows, viz:

To Mason C. Darling, as president *pro tem.* of the council, one day, three dollars.

To H. N. Wells, as president of the council, three dollars per day extra for ten days' services, thirty dollars.

To Benjamin H. Mooers, as speaker *pro tem.* of the house of representatives, six dollars for two days' services.

To I. P. Walker, as speaker of the house of representatives, three dollars per day extra for nine days' services, twenty-seven dollars.

To E. B. Dean, jr., for bill of stationery and other articles furnished for the use of the legislative assembly at its present session, the sum of four hundred and ninety dollars.

To David Holt, postmaster at Madison, for postage on letters, papers, and other documents of the members of the legislative assembly during the present session, one hundred and eighteen dollars and fifty-four cents.

To the Rev. Stephen McHugh, for services as chaplain of the council at the present session of the legislative assembly, fourteen dollars.

To the Rev. Hiram W. Read, for services as chaplain to the council at the present session of the legislative assembly, fourteen dollars.

To the Rev. John Penman, for services as chaplain to the house of representatives during the present session of the legislative assembly, eighteen dollars.

To George P. Delaplaine, for ten days' services as private secretary of the governor during the present session of the legislative assembly, at three dollars per day, thirty dollars.

To John Ramsdell, for writing done for the legislative assembly at its present session, thirty dollars.

To Eugene S. Turner, for writing done for the legislative assembly at its present session, twenty-four dollars.

To Beison and Dodge, for printing done for the present session of the legislative assembly, the sum of two dollars.

To E. A. Cooley, for printing done for the legislative assembly, the sum of two dollars and ten cents.

To H. A. Tenney, for incidental printing done for the legislative assembly at its present session, including newspapers furnished the members of the assembly, and for newspapers containing the laws of the last session, sent to the clerks of the several counties for distribution, as provided by law, five hundred and eighty-nine dollars and eighty-one cents.

To Beriah Brown, for newspapers furnished the members of the legislative assembly, for printing governor's proclamation, and for incidental printing for the use of the assembly, the sum of one hundred and forty-six dollars and eleven cents.

To W. W. Wyman, for newspapers furnished the members of the legislative assembly at its present session, the sum of thirty-eight dollars and sixty-eight cents.

To Bunner and Stafford, for seventy-eight newspapers furnished members of the present session of the legislative assembly, and for printing done for the same, the sum of five dollars and ninety cents.

To Moritz Schoeffler, for printing one thousand copies of governor's message in German, and five hundred copies in the Norwegian language, forty-five dollars.

To James D. Raymond, for printing five hundred copies of the governor's message in the Norwegian language, fifteen dollars.

To Joseph G. Knapp, superintendent of Territorial property and librarian, the sum of two hundred and twenty-five dollars, being three-quarters of salary from February 4th, A. D., 1847.

To Lafayette Kellogg and Thomas McHugh, the sum of seventy dollars each, for preparing for publication the journal of the present session of the council and house of representatives with indices; and to William R. Smith, the sum of three dollars for writing done for the legislative assembly at its present session.

To Matthew Norton, the sum of thirty dollars, for services rendered for the use of the legislature, in sweeping and keeping clean the halls of the capitol, carrying wood, &c.

I. P. WALKER,  
*Speaker of the house of representatives.*  
HORATIO N. WELLS,  
*President of the council.*

Approved, October 27, 1847:

HENRY DODGE.

*Resolution relative to the payment of R. G. Spaulding.*

*Resolved by the council and house of representatives of the Territory of Wisconsin, That there be appropriated to Roswell G. Spaulding the sum of three hundred and thirty-two dollars, in full for his bill of October 20th, A. D., 1847, on account of labor and varnish for capitol, to be paid out of the Territorial treasury.*

I. P. WALKER,  
*Speaker of the house of representatives.*  
HORATIO N. WELLS,  
*President of the council.*

Approved. October 27, 1847:

HENRY DODGE.

TERRITORY OF WISCONSIN,  
*Secretary's Office, Madison, Nov. 4, 1847.*

I hereby certify that the acts and resolutions contained in this pamphlet, have been compared with the originals in this office, and that they appear to have been correctly printed.

[L. s.] In testimony whereof, I have hereunto set my hand and affixed the seal of the Territory of Wisconsin, the day and year aforesaid.

JOHN CATLIN,  
*Secretary of Wisconsin Territory.*













